# Senate File 2190 - Introduced

SENATE FILE 2190
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2019)

# A BILL FOR

- 1 An Act requiring rulemaking for the use of restraints against
- 2 a pregnant inmate or detainee, and including effective date
- 3 provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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- 1 Section 1. LEGISLATIVE FINDINGS. The general assembly 2 finds all of the following:
- 3 1. There are serious known medical risks associated with
- 4 the use of restraints on pregnant women, and such use is not an
- 5 accepted practice on a nationwide basis.
- 6 2. The vast majority of female inmates or detainees in this 7 state are nonviolent offenders.
- 8 3. Restraining pregnant prison inmates increases the
- 9 potential for physical harm from an accidental trip or fall.
- 10 4. Freedom from physical restraints is especially critical
- 11 during labor, delivery, and postpartum recovery after delivery,
- 12 because a woman often needs to move around during labor and
- 13 recovery.
- 14 5. Restraints on a pregnant woman can interfere with the
- 15 ability of medical staff to appropriately assist in childbirth
- 16 or to conduct sudden emergency procedures.
- 17 Sec. 2. NEW SECTION. 904.1001 Report of use of restraints
- 18 pregnant inmates and detainees.
- 19 The department of corrections, in conjunction with the
- 20 other entities supervising inmates and detainees in the state,
- 21 shall file a report with the general assembly by August 1 of
- 22 each fiscal year, detailing every instance in which restraints
- 23 were used on a pregnant inmate or detainee pursuant to this
- 24 division. The report shall not contain personal identifying
- 25 information of any inmate or detainee.
- Sec. 3. NEW SECTION. 904.1002 Pregnant inmates and
- 27 detainees rulemaking regarding use of restraints.
- 28 1. The department of corrections, in conjunction with other
- 29 entities supervising inmates and detainees in the state, and
- 30 after reviewing the most current accepted medical practices
- 31 and standards relating to pregnant women, shall commence
- 32 rulemaking for the implementation and administration of the use
- 33 of restraints on pregnant inmates and detainees within sixty
- 34 days of the effective date of this Act. The department shall
- 35 not adopt emergency rules under section 17A.4, subsection 3,

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- 1 or section 17A.5, subsection 2, paragraph b'', to implement the 2 provisions of this section.
- The rules relating to the use of restraints on pregnant
- 4 inmates and detainees shall apply to correctional facilities,
- 5 county jails, and municipal holding facilities. The rules
- 6 shall require that restraints shall be used in the least
- 7 restrictive manner. The rules shall specify when restraints
- 8 are permissible to be used and provide guidance for allowing a
- 9 support person in the birthing room with the inmate or detainee
- 10 during labor and childbirth. The rules shall further require
- 11 that the circumstances surrounding the use of restraints be
- 12 identified with each use and that the use of restraints on an
- 13 inmate or detainee who is pregnant, including during labor, and
- 14 childbirth and postpartum, shall be limited to the following
- 15 circumstances:
- 16 a. Pursuant to an individualized determination that the
- 17 inmate or detainee poses a serious threat to oneself, staff, or
- 18 others at the time the restraints are used.
- 19 b. The inmate or detainee poses an immediate and credible
- 20 risk of escape that is not able to be contained through the use
- 21 of other methods.
- 22 Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
- 23 immediate importance, takes effect upon enactment.
- 24 EXPLANATION
- The inclusion of this explanation does not constitute agreement with
- the explanation's substance by the members of the general assembly.
- 27 This bill relates to requiring rulemaking for the use of
- 28 restraints against a pregnant inmate or detainee.
- 29 The bill requires that the department of corrections,
- 30 in conjunction with other entities supervising inmates or
- 31 detainees, file a report with the general assembly by August
- 32 1 of each fiscal year, detailing every instance in which
- 33 restraints were used on a pregnant inmate or detainee.
- 34 The bill further requires the department of corrections,
- 35 in conjunction with other entities supervising inmates or

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- 1 detainees, to commence rulemaking for the implementation and
- 2 administration of the use of restraints on pregnant inmates or
- 3 detainees. The bill prohibits the department of corrections
- 4 from adopting emergency rules.
- 5 The bill specifies that the rules shall apply to pregnant
- 6 inmates or detainees at correctional facilities, county jails,
- 7 and municipal holding facilities. The rules must provide that
- 8 restraints be used in the least restrictive manner.
- 9 The rules under the bill require that the circumstances
- 10 surrounding the use of the restraints are to be identified with
- 11 each use and that the use of restraints on a pregnant inmate
- 12 or detainee during labor, childbirth, and postpartum, shall be
- 13 limited to: when an individualized determination has been made
- 14 that an inmate or detainee poses a serious threat to oneself,
- 15 staff, or others at the time restraints are used, or when the
- 16 inmate or detainee poses an immediate and credible risk of
- 17 escape.
- 18 The bill takes effect upon enactment.